



## REMARKS/ARGUMENTS

Claims 32-37 are pending in the application. Claims 32-34 and 36-37 have been amended, new claims 38-43 have been added. No new matter has been added. Reconsideration of the claims is respectfully requested.

In paragraph 6 on page 3 of the Office Action, claims 32-33 are rejected under 35 U.S.C. §102 (a) as being unpatentable over Heuser (US Patent No. 2953865).

In paragraph 7 on page 4 of the Office Action, claims 34-35 are rejected under 35 U.S.C. §103 (a) as unpatentable over by Cunningham (US Patent No. 3691662) in view of Heuser.

In paragraph 8 on page 4 of the Office Action, claim 37 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Heuser.

In paragraph 9 on page 5 of the Office Action, claim 36 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Cunningham in view of Heuser.

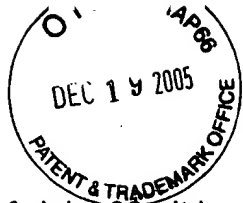
The examiner has stated that no patentable weight may be given to the use of the product on a folder as it does not constitute a positive recitation.

Amendment to the claims has been made to clearly obviate this assertion. With respect to the system claims, there is a clear recitation of an alignment section on a discardable portion, separate from the label to conform the curved edge. This is clearly a positive recitation, as well as a distinguishable feature.

In the method claims, there is recited simultaneous alignment of the linear and curved edges. Again, a positive recitation which is entitled to full patentable weight.

The prior art does not function according to the method nor teach the structure of the system.

Cunningham was cited for its disclosure of index tabs applied to a folder's edge. It is totally lacking in the two dimensional alignment system of claim 34 and the die cut



alignment element of claim 38. It is wise fails to remotely suggestion the method of claim 34 where simultaneously alignment is recited since it only has one form of alignment.

Heuser does not assist in making this combination. It has been cited for its disclosure of a split line on the liner.

Nowhere is there any motivation to accomplish this reliable and accurate alignment of the label on a folder.

As the problem of positive recitation of the above mentioned elements, it is believed that further argument of the claims is not required as the examiner will immediately appreciate the differences over the cited art, not only for the independent claims but for the dependencies as well. If further clarification is required, it is respectfully request that the examiner telephone the undersigned.

In view of the amendments and reasons provided above, it is believed that all pending claims are in condition for allowance. Applicant respectfully requests favorable reconsideration and early allowance of all pending claims.

If a telephone conference would be helpful in resolving any issues concerning this communication, please contact Applicant's attorney of record, Michael B. Lasky at (952) 253-4106.

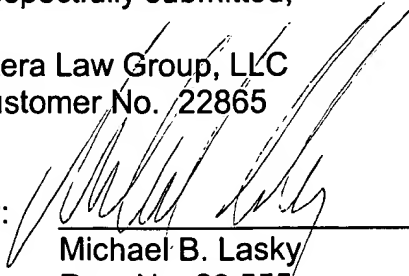
Respectfully submitted,

Altera Law Group, LLC  
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Date:

14 December 2005

By:

  
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MBL/jsa